

87663-5

2/6/2014

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Sam Ghantous
Emery Oleochemicals, LLC
4900 Este Avenue
Cincinnati, OH 45232

FEB 06 2014

Subject: Emery Oleochemicals, LLC; Emery Agro 7040 Ready-to-Use (RTU)
EPA Registration No. 87663-5
Amendment to Add Label Claims
D# 482509, Application Dated 8/28/13

Dear Mr. Ghantous:

The amendment referred to above, submitted in connection with registration under FIFRA section 3(c)(5), is acceptable provided that you:

1. Submit and/or cite all data required for registration/reregistration of your product under FIFRA section 3(c)(5) when the Agency requires all registrants of similar products to submit such data.
2. Submit two (2) copies of your final printed labeling before you release the product for shipment. Final printed labeling means the label or labeling of the product when distributed or sold. Clearly legible reproductions or photo reductions will be accepted for unusual labels, such as those silk-screened directly onto glass or metal containers or large bags or drum labels.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(b). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have any questions contact Chris Pfeifer at 703-308-0031 or by email at: pfeifer.chris@epa.gov. A stamped copy of the label is enclosed for your records.

Sincerely,

Sheryl K. Reilly, Associate Branch Chief
Biochemical Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)

Enclosure

CONCURRENCES							
SYMBOL	>	7511P	7511P				
SURNAME	>	Pfeifer	Reilly				
DATE	>	2/5/14	2/6/14				

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Emery Agro 7040 Ready-to-Use (RTU)

Non-selective Herbicide

FOR ORGANIC GARDENING

NOT FOR FOOD USE

MASTER LABEL

SUBLABEL A: FOR COMMERCIAL USE

FOR CONTACT SPRAY CONTROL OR BURNDOWN OF WEEDS AND GRASSES
FOR ORNAMENTALS, TURF, LANDSCAPES, INTERIORSCAPES, GREENHOUSES AND RESIDENTIAL
SITES

SUBLABEL B: FOR RESIDENTIAL USE

FOR CONTACT SPRAY CONTROL OR BURNDOWN OF WEEDS AND GRASSES
FOR HOMES AND GARDENS

Active ingredient:

Ammonium Nonanoate	5.0 wt.%
Other ingredients	95.0 wt.%
Total	100.00 wt.%

ACCEPTED

FEB 06 2014

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for
the pesticide registered under
EPA Reg. No.

87663-S

Optional Label Claims:

- Fast acting.
- Acts on contact.
- Results in 15 minutes.
- Rain fast in 2 hours
- Does not leach through soil to affect desirable plants.
- For control or burndown of weeds and grasses.
- Grass and weed knockdown.
- Controls annual and perennial weeds.
- Ideal for spot weed control around ornamental trees, bushes, flowers and landscaping beds.
- Ideal for weed control along walkways and driveways.
- For weed control in and around the home and gardens.

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SUBLABEL A: FOR COMMERCIAL USE

FOR CONTACT SPRAY CONTROL OR BURNDOWN OF WEEDS AND GRASSES
FOR ORNAMENTALS, TURF, LANDSCAPES, INTERIORSAPES, GREENHOUSES AND RESIDENTIAL
SITES

Emery Agro 7040 Ready-to-Use (RTU)

FOR ORGANIC GARDENING

NOT FOR FOOD USE

Active ingredient:

Ammonium Nonanoate	5.0 wt.%
Other ingredients	95.0 wt.%
Total	100.00 wt.%

EMERY AGRO 7040 READY-TO-USE (RTU) contains 0.42 lbs. of ammonium nonanoate per U.S. gallon

KEEP OUT OF REACH OF CHILDREN

CAUTION

"Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)"

FIRST AID	
If in eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If on skin or clothing	<ul style="list-style-type: none"> • Take off contaminated clothing • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
If inhaled	<ul style="list-style-type: none"> • Move person to fresh air • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for treatment advice.
EMERGENCY NUMBER	
FOR 24-HOUR EMERGENCY MEDICAL ASSISTANCE, CALL THE NATIONAL POISON CONTROL CENTER 1-800-222-1222.	
Have the product container or label with you when calling a poison control center or doctor.	

This product is protected by U. S. Patent No. 6,323,156

EPA Reg. No. 87663-5

EPA Establishment No. 72038-DE-001, 064784-OK-001, 067441-IL-001

Lot No. xxxxxxxxx

Net Contents: 3,4,16 & 32 fl oz, 1, 2.5,5, 55, 270 & 6000 gals

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Harmful if inhaled. Causes moderate eye irritation. Avoid breathing spray mist. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

For terrestrial uses: This pesticide is toxic to fish and aquatic invertebrates. Use care when applying in areas adjacent to any body of water. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash water or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. This product is toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product if bees are visiting the treatment area.

For containers greater than 5 gallon

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the State/Tribal agency responsible for pesticide regulation.

METHODS OF USE AND GENERAL APPLICATION INSTRUCTIONS

General Instructions:

EMERY AGRO 7040 READY-TO-USE (RTU) is a contact non-selective herbicide for spray application only to undesirable plant growth. Do not allow spray to contact any green plant parts of desirable plants. **EMERY AGRO 7040 READY-TO-USE (RTU)** provides control and burndown suppression of annual and perennial broadleaf and grass weeds. Spore producing plants such as mosses and liverworts are also controlled. The amount of burndown and the duration of weed suppression may be reduced when weed growth conditions are unfavorable or when plants are mature.

EMERY AGRO 7040 READY-TO-USE (RTU) is a non-volatile and water soluble herbicide for foliar application to weeds. Complete and uniform coverage of weeds by the spray solution is required for the best weed control. Plant foliage will change from a green color to brown/black necrotic tissue within one to two hours after spray application. **EMERY AGRO 7040 READY-TO-USE (RTU)** effect on plant tissue may be more rapid in warm weather than in cold conditions. However, weed control is normally unaffected by temperature.

EMERY AGRO 7040 READY-TO-USE (RTU) herbicide is a soap product which penetrates the cell walls of plants to disrupt the cellular organization of physiological functions which are compartmentalized by membranes within the cell walls. Plant growth ceases when cellular contents are mixed and brown necrotic plant tissue is formed.

EMERY AGRO 7040 READY-TO-USE (RTU) does not migrate through the soil and is not translocated in plants. **To ensure satisfactory control, plant leaves must be thoroughly and uniformly covered with the spray solution.** **EMERY AGRO 7040 READY-TO-USE (RTU)** does not provide any residual weed control in soil to affect germinating weed seeds.

Application Instructions:

EMERY AGRO 7040 READY-TO-USE (RTU) is completely soluble in water. No shaking or agitation is required.

During application, some foaming may occur; however, weed control is not reduced if the foam is deposited on the plant surface and is not blown away as drift.

Apply EMERY AGRO 7040 READY-TO-USE (RTU) when weed surfaces are dry.

Application Precautions:

- Do not apply to weeds when wet from dew, rain or irrigation.
- Do not irrigate within 2 hours after application
- Do not apply if rainfall is expected within 2 hours.

Difficult to control weeds may require several applications for complete control.

Hand-Held Spray Application

The amount of weed vegetation will determine the spray volume required for complete coverage of undesired plants (weeds). Weed vegetation conditions that affect spray coverage are number of weeds present, leaf shape, weed size and weed species.

Thorough saturation of the foliage and stems is required for control. Apply sprays until run-off from weed leaves occurs. Use low spray pressure to reduce foaming and avoid contact with desirable plants.

Directed Spray Application

Use a shielded sprayer to prevent spray contact on desirable plants. Avoid spray contact of green plant stems or green bark of young trees and shrubs.

Some visible foam may appear on the leaves as the plants are sprayed. Overspray or drift onto desirable plants is usually not a serious problem because leaves and stems require a thoroughly wet spray coverage for significant injury. Repeat applications as often as necessary to obtain desired control.

Use Methods

Determine the weed control situation and select the use method required as follows:

A. Vegetative Burndown: Broadcast spray for weed control for no-till planting or seedbed preparation to control weeds prior to seeding or transplanting. Spot sprays may be used in crops, ornamentals, pastures and turf.

B. Directed and shielded sprays: Spray nozzle type or configuration for directed spray or a shield placed around the nozzle to prevent spray contact on the foliage or green stems or bark. Directed/shielded spray applications to area between plastic mulch strips and staked crops for weed control.

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PESTS

I. Weeds controlled or suppressed by EMERY AGRO 7040 READY-TO-USE (RTU):

COMMON NAMES

TAXONOMIC NAMES

Broadleaf Weeds:

Algae	<i>Gloeocapsa magma</i>
Bittercress, hairy	<i>Cardamine hirsuta</i>
Chickweed, common	<i>Stellaria media</i>
Chickweed, mouse-ear	<i>Cerastium vulgatum</i>
Cocklebur, common	<i>Xanthium strumarium</i>
Corn spurry	<i>Spergula arvensis</i>
Cudweed, purple	<i>Gnaphalium purpureum</i>
Groundsel	<i>Senecio</i> spp.
Lambsquarters, common	<i>Chenopodium album</i>
Liverwort	<i>Machantia</i> spp.
Marestail or Horseweed rosettes	<i>Conyza canadensis</i>
Morningglory, annual	<i>Ipomoea</i> spp.
Moss	Bryophyta
Mustards	<i>Brassica</i> spp.
Oxalis or Woodsorrel	<i>Oxalis stricta</i>
Pansy, wild	<i>Viola tricolor</i>
Plantain	<i>Plantago</i> spp.
Pigweed, smooth and redroot	<i>Amaranthus</i> spp.
Mallow, roundleaved	<i>Malva</i> spp.
Moneywort	<i>Lysimachia nummularia</i>
Shepherdspurse	<i>Capsella bursa-pastoris</i>
Sorrel, sheep	<i>Rumex acetosella</i>
Spurge, spotted	<i>Euphorbia maculata</i>
Field pennycress	<i>Thlaspi arvense</i>
Velvetleaf	<i>Abutilon theophrasti</i>

Grass and Other Weeds:

Bentgrass, colonial	<i>Agrostis tenuis</i>
Bluegrass, annual	<i>Poa annua</i>
Crabgrass, large	<i>Digitaria sanguinalis</i>
Fescue, creeping red	<i>Festuca rubra</i>
Fescue, hard	<i>Festuca ovina</i>
Nimblewill	<i>Muhlenbergia scheberi</i>
Onion, wild	<i>Allium canadense</i>
Ryegrass, perennial	<i>Lolium perenne</i>
Star-of-Bethlehem	<i>Ornithogalum nutans</i>

II. Weeds Moderately Difficult to Control

Bermudagrass (Wireweed)	<i>Cynodon dactylon</i>
Dandelion	<i>Taraxacum officinale</i>
Nutsedge, yellow	<i>Cyperus esculentus</i>
Ragweed, common	<i>Ambrosia artemisiifolia</i>

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STORAGE AND HANDLING

DO NOT contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store container in cool place until used. Store at temperatures above 32° F.

Pesticide Disposal: Wastes resulting from use of this product must be disposed of on-site or at an approved waste disposal facility.

Container Handling:

Non-refillable Containers: Do not reuse or refill this container. Offer for recycling if available.

Clean container promptly after emptying (liquid formulations).

Non-refillable container equal to or less than 5 gals: Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Non-refillable container between 5- 55 gals: Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

Refillable container 5 gals to bulk: Refill this container with this pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Dispose of in a sanitary landfill or by other procedures approved by state and local authorities.

Terms and Conditions of Use:

If terms of the following Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under Warranty Disclaimer, Inherent Risks of Use and Limitations of Remedies.

Warranty and Disclaimer Notice:

To the extent consistent with applicable law, Emery Oleochemicals LLC makes no warranty or guarantee of any kind, expressed or implied concerning the effects of use of this product, other than those specified on this label. Buyers or users accept all responsibility for results due to misuse or improper handling of this product.

Inherent Risks of Use:

It is impossible to eliminate all risks associated with use of this product. Crop injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to the label instructions (including adverse conditions noted on the label, such as unfavorable temperatures, wind, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are

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beyond the control of Emery Oleochemicals LLC or the seller. To the extent consistent with applicable law, all such risks shall be assumed by the buyer.

Limitation of Remedies:

To the extent consistent with applicable law, the exclusive remedy for losses or damages resulting from the use of this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Emery Oleochemicals LLC's election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought,

or

2. Replacement of amount of product used.

To the extent allowable by state law, Emery Oleochemicals LLC shall not be liable for losses or damages resulting from handling or use of this product unless Emery Oleochemicals LLC is promptly notified of such loss or damage in writing. In no case shall Emery Oleochemicals LLC be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Emery Oleochemicals LLC or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

Produced for:
Emery Oleochemicals LLC
4900 Este Avenue
Cincinnati, OH 45232
513-762-2500
www.Emeryoleo.com

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SUBLABEL B: FOR RESIDENTIAL USE

FOR CONTACT SPRAY CONTROL OR BURNDOWN OF WEEDS AND GRASSES
FOR HOMES AND GARDENS

Emery Agro 7040 Ready-to-Use (RTU)

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Lot No. xxxxxxxxxx

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ENVIRONMENTAL HAZARDS

For terrestrial uses: This pesticide is toxic to fish and aquatic invertebrates. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, or gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems. This product is toxic to bees exposed to direct treatment or residues on blooming crop or weeds. Do not apply this product if bees are visiting the treatment area.

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Hand-Held Spray Application

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Use Methods

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PESTS

I. Weeds controlled or suppressed by EMERY AGRO 7040 READY-TO-USE (RTU):

COMMON NAMES

TAXONOMIC NAMES

Broadleaf Weeds:

Algae	Gloeocapsa magma
Bittercress, hairy	Cardamine hirsuta
Chickweed, common	Stellaria media
Chickweed, mouse-ear	Cerastium vulgatum
Cocklebur, common	Xanthium strumarium
Corn spurry	Spergula arvensis
Cudweed, purple	Gnaphalium purpureum
Groundsel	Senecio spp.
Lambsquarters, common	Chenopodium album
Liverwort	Machantia spp.
Marestail or Horseweed rosettes	Conyza canadensis
Morningglory, annual	Ipomoea spp.
Moss	Bryophyta
Mustards	Brassica spp.
Oxalis or Woodsorrel	Oxalis stricta
Pansy, wild	Viola tricolor
Plantain	Plantago spp.
Pigweed, smooth and redroot	Amaranthus spp.
Mallow, roundleaved	Malva spp.
Moneywort	Lysimachia nummularia
Shepherdspurse	Capsella bursa-pastoris
Sorrel, sheep	Rumex acetosella
Spurge, spotted	Euphorbia maculata
Field pennycress	Thlaspi arvense
Velvetleaf	Abutilon theophrasti

Grass and Other Weeds:

Bentgrass, colonial	Agrostis tenuis
Bluegrass, annual	Poa annua
Crabgrass, large	Digitaria sanguinalis
Fescue, creeping red	Festuca rubra
Fescue, hard	Festuca ovina
Nimblewill	Muhlenbergia scheberi
Onion, wild	Allium canadense
Ryegrass, perennial	Lolium perenne
Star-of-Bethlehem	Ornithogalum nutans

II. Weeds Moderately Difficult to Control

Bermudagrass (Wireweed)	Cynodon dactylon
Dandelion	Taraxacum officinale
Nutsedge, yellow	Cyperus esculentus
Ragweed, common	Ambrosia artemisiifolia

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STORAGE AND HANDLING

DO NOT contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store container in cool place until used. Store at temperatures above 32° F.

Pesticide Disposal: Wastes resulting from use of this product must be disposed of on-site or at an approved waste disposal facility.

Container Disposal:

If empty: Non-refillable - Do not reuse or refill this container. Offer for recycling if available.

If partly filled: Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

Terms and Conditions of Use:

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Warranty and Disclaimer Notice:

To the extent consistent with applicable law, Emery Oleochemicals LLC makes no warranty or guarantee of any kind, expressed or implied concerning the effects of use of this product, other than those specified on this label. Buyers or users accept all responsibility for results due to misuse or improper handling of this product.

Inherent Risks of Use:

It is impossible to eliminate all risks associated with use of this product. Crop injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to the label instructions (including adverse conditions noted on the label, such as unfavorable temperatures, wind, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Emery Oleochemicals LLC or the seller. To the extent consistent with applicable law, all such risks shall be assumed by the buyer.

Limitation of Remedies:

To the extent consistent with applicable law, the exclusive remedy for losses or damages resulting from the use of this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to, at Emery Oleochemicals LLC's election, one of the following:

1. Refund of purchase price paid by buyer or user for product bought,

Or

2. Replacement of amount of product used.

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To the extent allowable by state law, Emery Oleochemicals LLC shall not be liable for losses or damages resulting from handling or use of this product unless Emery Oleochemicals LLC is promptly notified of such loss or damage in writing. In no case shall Emery Oleochemicals LLC be liable for consequential or incidental damages or losses.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Emery Oleochemicals LLC or the seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

Produced for:
Emery Oleochemicals LLC
4900 Este Avenue
Cincinnati, OH 45232
513-762-2500
www.Emeryoleo.com